

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,
et al.,

Debtors.

PROMESA
Title III

Case No. 17-BK-3283 (LTS)

**OBJECTION OF THE “ASOCIACIÓN DE JUBILADOS DE LA JUDICATURA DE
PUERTO RICO” (“AJJPR”) AND HON. HECTOR URGELL CUEBAS, FORMER
JUDGE OF THE PUERTO RICO COURT OF APPEALS AND PARTICIPANT OF
THE JUDICIAL RETIREMENT SYSTEM IN RELATION TO NOTICE OF (I)
RULINGS THE OVERSIGHT BOARD REQUEST AT CONFIRMATION HEARINGS
REGARDING ACT 53-2021 AND (II) DEADLINE FOR OBJECTION**

TO THE HONORABLE COURT:

COME NOW, the “Asociación de Jubilados de la Judicatura de Puerto Rico” (“AJJPR”) and Hon. Hector Urgell Cuebas, Former Judge of the Puerto Rico Court of Appeals and Participant of the Judicial Retirement System, and very respectfully allege and pray as follows.

1. The appearing parties proceed to state their position in relation to the Notice of (I) Rulings the oversight Board Request at Confirmation Hearings Regarding Act 53-2021 and (II) Deadline for Objection.
2. Section 104 of Act 53-2021, in pertinent part, provides that the Legislative Assembly authorizes the issuance of the General Obligation Bonds and CVI’s subject to the FOMB filing of an amended Plan for Confirmation by the Article III Court that eliminates the Monthly Benefit Modification.
3. Certainly, there shall be no cuts to pensions of current retirees.

4. The Oversight Board submits that the language in Act 53 does not mean the elimination of the cancellation of the cost of hiring adjustments.
6. The Puerto Rico judge's pension plan is required by Art. V of the Puerto Rico Constitution. Indeed, it is the only one required by the Puerto Rico Constitution. The Supreme Court of Puerto Rico has also recognized that a judge's right to a pension is a protected right that cannot be affected in a retroactive manner.
7. The Constitution of Puerto Rico was approved by Congress. Pub. L. No. 81-600, 64 Stat. 319 (1950) ("Law 600") Law 600 on its face specifies that the Constitutes of Puerto Rico "Shall provide a republic form of government". 42 U.S.C. Section 731c.
8. The Constitution of Puerto Rico was duly submitted to the President and Congress, Pub. L. No. 82-447, 66 Stat. 327 (1952).
9. Thus, the pension rights of judges unlike those pension rights any other public officials in Puerto Rico stem from a constitutional provision in turn approved by the President and Congress.
10. The cost of hiring adjustment is an integral part of judges' pension benefits. Thus, if eliminated these pension benefits shall then be reduced.
11. The modification to the Judicial Retirement System objected by the appearing parties would be detrimental to be judicial branch and would run counter to preserving an independent and competent judicial branch, so needed to guarantee uninhibited access to justice for the people of Puerto Rico.
12. Bottom line, whatever minimal economic impact the proposed modifications to the Judicial Retirement System are heavily outweighed by the importance of maintaining an independent, effective and competent judicial branch.

13. In short, we move the Court not to approve the following modifications to the Judicature Retirement System, to wit: elimination of Cost of Living Adjustment (“COLA”).

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 12th day of November 2021.

WE HEREBY CERTIFY that on this same date we notified a copy of this document be electronically notified through CM/ECF to all attorneys of record.

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